IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 7.8.2006

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THE HON'BLE MR.JUSTICE P.JYOTHIMANI

Writ Petition No.23861 of 2006

Corporation Labour Union
Regd. No.2601, Rep. by its President,
Beulah John Selvaraj,
39, Water Tank Road,
Electricity Workshop,
Poonga Nagar, Chennai - 600 079 .. Petitioner

vs.

1. Corporation of Chennai
   Rep. by its Commissioner
   Ripon Buildings, Chennai - 600 003

2. State of Tamil Nadu
   Rep. by its Secretary
   Municipal Administration and
   Water Supply Department
   Fort St., George, Chennai - 600 009 .. Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the respondents to absorb the services of the workers represented by the petitioner Union whose names are found in the annexure to the writ petition on a regular basis as per G.O.Ms.No.125, Municipal Administration and Water Supply Department dated 27.5.1999 with effect from 23.5.2006.

For petitioner : Mr.D.Nagasaila
For respondents : Mr.Mathi

O R D E R

The cause of the sixteen members of the petitioner-Union are espoused in this writ petition for a direction against the first respondent to absorb them on a regular basis as per G.O.Ms.No.125, Municipal Administration and Water Supply Department dated 27.5.1999 with effect from 23.2.2006.

2. The case of the petitioner-Union is that other 912 workers, who are also situated similarly to that of the sixteen persons whose cause is being espoused by the petitioner-Union, have been absorbed with effect from 23.2.2006. However, the names of these sixteen persons, who are mentioned in the annexure to the writ petition, have

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been left out. It is also seen that the Zonal Office has recommended the names of these sixteen persons on various dates to the respondent, namely, 13.12.2004, 23.2.2006 and 28.2.2006. In view of the same, the present writ petition has been filed for a direction.

3. Heard M/s.D.Nagasaila, learned counsel for the petitioner and Mr.Mathi, who takes notice on behalf of the respondents.

4. Considering the fact, which remains final, namely, that 912 workers, who are similarly situated to that of the sixteen persons who are mentioned in the annexure to the writ petition, have been absorbed on 23.2.2006 and in the circumstance that the Zonal Office has recommended the names of the petitioners, I do not think that there is any reason for the first respondent to deny the same to the petitioners also, if they are otherwise entitled to it, for which course of action, the learned counsel for the respondents cannot have any objection.

6. In view of the same, the respondents are directed to consider the names of the sixteen persons, who are mentioned in the annexure to the writ petition, and absorb them in the regular vacancies as per G.O.Ms.No.125, Municipal Administration and Water Supply Department dated 27.5.1999 with effect from the date of their eligibility, namely, 23.2.2006, provided there is no legal impediment for the respondents to do so. Such process shall be completed within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is ordered accordingly. No costs.

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Sd/-
Asst. Registrar

//true copy//

Sub Asst.Registrar

To

1.The Commissioner,Corporation of Chennai,Ripon Buildings,
Chennai - 600 003.

2.The Secretary,State of Tamil Nadu, Municipal Administration and
Water Supply Department,Fort St., George, Chennai - 600 009.

+ one cc to Mr.D.Nagasaila, Sr.No.35080.
+ one cc to Mr.T.Mathi, Sr.No.35292.

BS (CO)/RSM/22.8.2006

W.P.No.23861 of 2006

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